

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THEODORE NOWAK and GARY  
BROCKWAY, Individually and On Behalf  
of All Others Similarly Situated,

Case No. 06-11718

Plaintiffs,

HONORABLE PAUL V. GADOLA  
MAGISTRATE JUDGE STEVEN D. PEPE

v.

FORD MOTOR COMPANY, MICKEY  
POLI-BARTLETT, WILLIAM CLAY  
FORD, JR., JOSEPH W. LAYMON,  
DONAT R. LECLAIR, DAVID G.  
LEITCH, ROMAN J. KRYGIER, AND  
JOHN DOES 1-20,

Defendants.

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**ORDER APPOINTING INTERIM LEAD PLAINTIFFS**  
**AND**  
**C0-LEAD AND LIAISON COUNSEL**

**I. LEAD PLAINTIFFS**

The Court appoints Plaintiffs Mark Ousachi and David Cooper as Interim Lead Plaintiffs in this consolidated action and all subsequently filed related actions consolidated herewith. The Court shall make a final determination regarding the identity of Lead Plaintiff(s)/Class Representative(s) in ruling on the Interim Lead Plaintiffs' motion for class certification, or as the Court otherwise deems appropriate. The Interim Co-Lead Counsel as identified below may identify different or additional Lead Plaintiff(s)/Class Representative(s) at such time as they move for class certification in this litigation.

## **II. LEAD COUNSEL**

Pursuant to Rule 23(g)(2)(A) of the Federal Rules of Civil Procedure the Court designates the following to act as Interim Co-Lead and Liaison Counsel for Plaintiffs in this consolidated action, with the responsibilities hereinafter described:

a. As Interim Co-Lead Counsel for Plaintiffs

**Schiffrin & Barroway, LLP**

280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile: (610) 667-7056

and

**Keller Rohrback LLP**

1201 Third Avenue, Suite 3200  
Seattle, Washington 98101-3052  
Telephone: (206) 623-1900  
Facsimile: (206) 623-3384

b. As Interim Liaison Counsel for Plaintiffs

**Stephen F. Wasinger, PLC**

300 Balmoral Centre  
32121 Woodward Avenue  
Royal Oak, Michigan 48073  
Telephone: (248) 554-6306  
Facsimile: (248) 479-0391

## **III. POWERS AND DUTIES OF INTERIM CO-LEAD COUNSEL**

Interim Co-Lead Counsel in the consolidated actions shall have exclusive authority over the following matters on behalf of all Plaintiffs in those respective actions consolidated in this case:

- (a) convening meetings of Plaintiffs' counsel;
- (b) filing motions on behalf of Plaintiffs;

- (c) initiating, responding to, scheduling, briefing, and arguing of all motions;
- (d) determining the scope, order, and conduct of all discovery proceedings;
- (e) assigning such work assignments to other counsel as they may deem appropriate;
- (f) retaining plaintiffs' experts;
- (g) designating which attorneys may appear at hearings and conferences with the Court;
- (h) conducting settlement negotiations with Defendants;
- (i) communicating with Defendants' counsel and the Court on behalf of all Plaintiffs. (Defendants' counsel may rely on all agreements made with Co-Lead Counsel, and such agreements shall be binding.)
- (j) other matters concerning the prosecution of or resolution of their respective cases.

All Plaintiffs' counsel shall proceed in a manner reasonably calculated to avoid duplication of effort and to achieve efficient use of their time, and shall keep contemporaneous time and expense records, with those portions of records reviewing the telephonic, electronic or written notices and correspondence calculated in tenth of an hour units, and shall provide such records upon request to the Co-Lead Counsel.

Interim Liaison Counsel in the consolidated actions is charged with administrative matters such as receiving and distributing pleadings, notices, orders, motions and briefs, and advising parties of developments in the case.

#### **IV. COORDINATION**

Co-Lead Counsel shall coordinate activities to avoid duplication and inefficiency in the filing, serving and/or implementation of pleadings, other court papers, discovery papers, and discovery practice and in communications with other Plaintiffs' counsel regarding the status of the case.

**V. SCOPE OF ORDER**

This Order does not have the effect of making any person, firm or entity a party to this or any action in which he, she or it has not been named, served or added as such in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the consolidation ordered herein shall not constitute a waiver by any party of any claims in or defenses to any action.

**VI. SCHEDULE OF PROCEEDINGS**

Upon entry of this Order, Plaintiffs' Co-Lead Counsel will promptly thereafter contact counsel for Defendants regarding pretrial proceedings, including the filing of and answer or opposition to a consolidated complaint.

SO ORDERED.

Date: December 22, 2006  
Ann Arbor, Michigan

s/Steven D. Pepe  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2006, I electronically filed the foregoing order with the Clerk Court using the ECF system which will send electronic notification to the following: Jayson E. Blake, Michelle Thurber Czapski, Robert N. Eccles, David H. Fink, Kathleen A. Lang, Elizabeth A. Leland, Derek W. Loeser, E. Powell Miller, Debra B. Pevos, Lynn L. Sarko, Stephen F. Wasinger, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: John R. Climaco, 1228 Euclid Ave., Ste. 900, Cleveland, OH 44115, Jeffrey T. Meyers, 3200 Greenfield Rd., Ste. 260, Dearborn, MI 48120-1802, John A. Peca, Scott D. Simpkins, 1220 Huron Rd., Ste. 1000, Cleveland, OH 44115-1802, David A. Rosenfeld, One Pennsylvania Plaza, 49<sup>th</sup>. Floor, New York, NY 10119-0165, Samuel H. Rudman, 58 S. Service Rd., Melville, NY 11747, Gary S. Tell, 1625 Eye St., NW, Washington, DC 20006-40001.

s/ James P. Peltier  
James P. Peltier

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